

REMARKS

Applicants would like to thank the Examiner for the careful consideration and substantive effort given this case. Claims 1, 7, 13, 20 and 23 have been amended. Support for these amendments may be found in the specification at paragraphs 0037-0039. Claims 14-16 and 22-27 have been cancelled without prejudice.

The Examiner has rejected claims 1-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2001/0031457 to *Pfenninger et al.* The rejection with respect to claims 14-16 and 22-27 are rendered moot by the cancellation of these claims. Applicants respectfully traverse this rejection with respect to claims 1-13 and 17-21 in light of the following remarks and amendments.

Claims 1-12

Amended independent claim 1 incorporates numerous features not disclosed in the prior art cited by the Examiner. For example, *Pfenninger et al.* does not disclose “a first server computer system in communication with the one or more testing stations, wherein the first server computer system is configured to ... receive the state information from the one or more testing stations, and electronically store the state information at substantially the same time that the state information is received,” as required by claim 1.

Pfenninger et al. describes a test administration system using the Internet. An administrator registers for the system and orders tests through an administrator interface. The administrator then provides a number supplied by the administrator interface to a test subject that permits the test subject to take a test. The testing workspace delivers the test to the test subject by providing a series of web pages having one or more questions or items with corresponding response options. However, *Pfenninger et al.* does not teach storing state information at substantially the same time that the state information is received at the first computer server. *Pfenninger et al.* states the following:

- “In addition, after each test subject completes his or her test, the test taker’s answers are quickly and conveniently provided to the system and scored so they may be viewed by the administrator at a remote location.” Paragraph 0010.
- “Upon completion of the test, the web server 16 stores the test subject’s raw answers in the database 12.” Paragraph 0032.

- “After completing a test, the subject’s raw answers are stored in the web server database 12.” Paragraph 0034.

In contrast, claim 1 requires a server computer system that receives state information from the one or more testing stations and electronically stores the state information at substantially the same time that the state information is received.

For at least this reason, claim 1 is allowable over the Examiner cited prior art. Moreover, because claims 2-12 depend from and incorporate all of the limitations of allowable independent claim 1, claims 2-12 are likewise allowable over the Examiner-cited prior art.

Claims 13 and 17-19

Likewise, amended independent claim 13 incorporates numerous features not disclosed in the prior art cited by the Examiner. For example, *Pfenninger et al.* does not disclose “delivering to the server a changed state object comprising the time elapsed in the examination, the test items presented to the user, and the user’s responses to the test items at substantially the same time that a triggering event occurs on the testing station, wherein the triggering event comprises the user providing a response to a test item.” as required by claim 13.

For substantially the same reasons as stated above with respect to claim 1, claim 13 is allowable over the Examiner-cited prior art. Because claims 17-19 depend from and incorporate all of the limitations of allowable independent claim 13, claims 17-19 are likewise allowable over the Examiner-cited prior art.

In addition, *Pfenninger et al.* does not teach, upon failure of a testing station, using an initial state object and a changed state object stored on a server to recreate an examination on a testing station at the point of the examination where the failure occurred, as required by claim 19. As stated above, *Pfenninger et al.* does not teach storing state information, including test item responses, until after the test has been completed. Paragraphs 0010, 0032 and 0034. Paragraph 0033 merely states that a test taker may re-enter the number or numbers previously supplied by the administrator in order to reinitiate taking a test after a loss of connectivity. Allowing the test taker to complete the test does not imply that the test taker is enabled to continue the test from the point at which the test taker left off. Rather, the test taker in *Pfenninger et al.* is merely enabled to start the test using the associated passwords and provide answers for the test items through to completion.

This is in direct contrast to the teachings of claim 19, which enables a test taker, after a loss of connectivity, to continue taking the test from the point at which the failure occurred. For at least this reason, claim 19 is likewise allowable over the Examiner cited prior art.

Claims 20 and 21

Likewise, independent claim 20 incorporates numerous features not disclosed in the prior art cited by the Examiner. For example, *Pfenninger et al.* does not disclose “delivering changes to the initial state object from the one or more testing stations to the server computer based on each user interaction at substantially the same time that each user interaction occurs.” as required by claim 20.

For at least the reasons stated above with respect to claim 1, claim 20 is allowable over the Examiner-cited prior art. Because claim 21 depends from and incorporates all of the limitations of allowable independent claim 20, claim 21 is likewise allowable over the Examiner-cited prior art.


All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 05-0426.

Respectfully submitted,
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